Remote Detention Hearing Procedures

I. Plan Adoption

In accordance with Texas Family Code 54.012, the County Court at Law of Polk County adopts the following plan to conduct detention hearings as remote proceedings.

II. Definitions

A. Detention hearings have the same meaning, scope, and requirements listed in Section 54.01 of the Texas Family Code.

B. Remote Proceeding means a proceeding in which one or more of the participants, including a judge, party, attorney, witness, court reporter, or other individual, attends the proceeding remotely through the use of technology and the Internet, including through teleconferencing or video conferencing.

III. Procedures for Detention Hearings Conducted as a Remote Proceeding

A. The court may, in its discretion, proceed with remote detention hearings, pursuant to Section 54.01 (a) of the Texas Family Code. Consistent with constitutional requirements, the court may allow or require any party, attorney, witness, or court reporter, and may allow any party or parties, to participate in a detention hearing as a remote proceeding.

B. The parties to the detention hearing shall have the opportunity to cross-examine any witnesses called during the hearing.

C. The camera of any party or witness who provides testimony must provide an unobstructed view of the party or witness providing testimony. An unobstructed view, for the purposes of this plan, means that the individual can be clearly seen, identified, and heard without any barrier other than a clean camera lens. Consistent with constitutional confrontation requirements, if a party or witness is not on camera, or cannot be clearly seen, the Court will not allow the person to testify or continue to testify unless the witness complies with the requirement of an unobstructed view.

D. Presentation and retention of physical evidence during remote proceeding detention hearings will be conducted as follows:

   a. Any physical evidence offered at a remote proceeding detention hearing must be displayed so that the court, attorneys, parties, and witness can view it simultaneously.

   b. When digital copies of physical evidence can be prepared, such as audio / video recordings, documents, or images, the digital copies should be emailed to the court at ccl@co.polk.tx.us, court reporter at andrea.simmons@co.polk.tx.us and to counsel for the parties before the hearing if practicable.

c. Physical evidence which cannot be rendered in digital form shall be tendered to the court no later than 3 days after the remote proceeding if the party offering the evidence is not present in the court when it is offered.

IV. Submission to Office of Court Administration

In accordance with Texas Family Code Section 54.012, this plan was submitted to the Texas Office of Court Administration (OCA) on May 14, 2024 by posting on https://www.txcourts.gov/rules-forms/local-rules-forms-and-standing-orders/ .

Judge Presiding
County Court at Law of Polk County

FILED FOR RECORD
2024 MAY 14 PM 4:13
BOBBYE J. CHRISTOPHER
DISTRICT CLERK
POLK COUNTY, TEXAS
BY: